

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SPV OSUS LTD.,

Plaintiff,

-against-

HSBC HOLDINGS PLC, HSBC BANK PLC,
HSBC BANK USA, NA, HSBC USA INC.,
HSBC SECURITIES SERVICES (BERMUDA)
LIMITED, HSBC INSTITUTIONAL TRUST
SERVICES (BERMUDA) LIMITED, HSBC
BANK BERMUDA LIMITED, HSBC
SECURITIES SERVICES (LUXEMBOURG)
S.A., HSBC BANK (CAYMAN) LIMITED,
HSBC PRIVATE BANKING HOLDINGS
(SUISSE) S.A., HSBC PRIVATE BANK
(SUISSE) S.A., HSBC FUND SERVICES
(LUXEMBOURG) S.A., SONIA KOHN,
MARIO BENBASSAT, ALBERTO
BENBASSAT, STEHPANE BENBASSAT,
20:20 MEDICI AG, UNICREDIT BANK
AUSTRIA AG, BA WORLDWIDE FUND
MANAGEMENT LTD., UNICREDIT S.P.A.,
HERALD ASSET MANAGEMENT LIMITED,
EUROVALEUR, INC., PIONEER
ALTERNATIVE INVESTMENT
MANAGEMENT LIMITED, ALPHA PRIME
ASSET MANAGEMENT LTD., REGULUS
ASSET MANAGEMENT LIMITED,
CARRUBA ASSET MANAGEMENT
LIMITED, TEREIO TRUST COMPANY
LIMITED, GENEVALOR, BENBASSAT ET
CIE, HERMES ASSET MANAGEMENT
LIMITED, THEMA ASSET MANAGEMENT
(BERMUDA) LTD., THEMA ASSET
MANAGEMENT LIMITED, EQUUS ASSET
MANAGEMENT LIMITED, EQUUS ASSET
MANAGEMENT PARTNERS, L.P., AURELIA
FUND MANAGEMENT LIMITED, INTER
ASSET MANAGEMENT
INC., T+M TRUSTEESHIP & MANAGEMENT
SERVICES S.A., GTM MANAGEMENT

Case No. 18 Civ. 3497

SERVICES CORP. N.V., AURELIA ASSET
MANAGEMENT PARTNERS, CAPE
INVESTMENT ADVISORS LIMITED and
ERWIN KOHN,

Defendants.

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DECLARATION OF SAMUEL P. HERSHEY

I, Samuel P. Hershey, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a member of the bar of the State of New York and am admitted to practice before the United States District Court for the Southern District of New York. On April 23, 2018, I entered a Notice of Appearance in the above captioned case.

2. I respectfully submit this declaration pursuant to Local Civil Rule 1.4 of the Local Rules of the United States District Court for the Southern District of New York in support of my motion for leave to withdraw as counsel for the HSBC Defendants in this action.¹

3. Following August 17, 2018, I will no longer be associated with Cleary Gottlieb Steen & Hamilton LLP (“Cleary Gottlieb”).

4. Thomas J. Moloney and Diarra M. Guthrie, from Cleary Gottlieb, have also appeared in this action on behalf of Defendants and will continue to be counsel of record. Accordingly, no delay or prejudice to any party will result from my withdrawal.

5. No retaining or charging lien is being asserted.

¹ The HSBC Defendants include HSBC Holdings plc, HSBC Bank plc, HSBC Bank USA, NA, HSBC USA Inc., HSBC Securities Services (Bermuda) Limited, HSBC Institutional Trust Services (Bermuda) Limited, HSBC Bank Bermuda Limited, HSBC Securities Services (Luxembourg) S.A., HSBC Bank (Cayman) Limited, HSBC Private Banking Holdings (Suisse) S.A., and HSBC Private Bank (Suisse) S.A.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 17, 2018

Respectfully submitted,

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: /s/ Samuel P. Hershey
Samuel P. Hershey

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Attorney for the HSBC Defendants